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LATHAM & WATKINS LLP

March 22, 2021

VIA ECF & EMAIL

Hon. Cathy Seibel
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601-4150

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*Re: National Association for the Advancement of Colored People, Spring Valley
Branch v. East Ramapo Central School District, No. 17 Civ. 8943*

Dear Judge Seibel:

Pursuant to this Court's March 5, 2021 order, Plaintiffs have recalculated the fee award in accordance with the Court's instructions. Plaintiffs provided the recalculated award to the District on March 12, 2021 and on March 19, 2021, the District confirmed that Plaintiffs' recalculation was accurate. Plaintiffs have submitted the recalculated award of \$5,446,139.99 as a proposed order (ECF 687).

Yesterday, March 21, 2021, the District emailed Plaintiffs' counsel and asked us to inform the Court that the District "does not consent to the form of the judgment" because it does "not see the point of the draft order's many 'whereas' clauses" which establish the factual and legal basis for the award. The District also provided Plaintiffs with a new proposal whereby the District's payment obligation would not come due until October 15, 2021 and would accrue interest at the "prime rate" reported in the Wall Street Journal, which is currently 3.25%, rather than the statutory post-judgment interest rate mandated under 28 U.S.C. 1961, which has fluctuated between 7-8% over the past week. Because the District waited until the day before the fee award was due to submit this proposal, we have not had time to fully consider it or discuss it with each of our clients. In any event, Plaintiffs respectfully request that the Court enter the fee award as submitted. Nothing in that award will preclude Plaintiffs and the District from continuing to explore whether there is a mutually beneficial compromise that can be reached regarding the Plaintiffs' fee award, the District's past and continuing payments to Morgan Lewis to litigate this case, and/or global resolution of the District's appeals.

Respectfully submitted,

March 22, 2021
Page 2

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/s/ Russell Mangas
Russell Mangas

cc: All Counsel of Record (via ECF)